

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-CV-251-D**

JOHN LASCHKEWITSCH,  
Plaintiff,  
  
v.  
  
LEGAL & GENERAL AMERICA, INC., d/b/a  
BANNER LIFE INSURANCE COMPANY,  
Defendant.

## **ORDER**

On July 6, 2016, plaintiff John Laschkewitsch (“Laschkewitsch” or “plaintiff”) moved for summary judgment [D.E. 67] and filed a supporting memorandum [D.E. 68].<sup>1</sup> On July 7, 2016, Banner Life Insurance Company (“Banner” or “defendant”) moved to strike Laschkewitsch’s motion for summary judgment [D.E. 70] and filed a supporting memorandum [D.E. 71]. On August 5, 2016, Laschkewitsch responded in opposition to Banner’s motion to strike [D.E. 85].<sup>2</sup> On August 18, 2016, Banner replied [D.E. 92]. As explained below, the court grants Banner’s motion to strike.

Pursuant to the court's Scheduling Order, dispositive motions were due by June 24, 2016. See [D.E. 39] 2. Laschkewitsch missed this deadline—which the court never extended—by nearly two weeks. Aside from being late, Laschkewitsch's motion for summary judgment did not comply

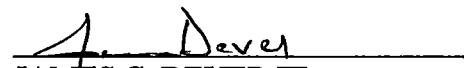
<sup>1</sup> The court grants Laschkewitsch's motion to seal certain exhibits attached to his memorandum in support. See [D.E. 69].

<sup>2</sup> Laschkewitsch's response was untimely under this court's Local Civil Rules. See Local Civ. R. 7.1(f). He neither sought an extension for filing his response nor offered a credible explanation for his tardiness. Laschkewitsch is familiar with this court's Local Civil Rules, and the court therefore declines to consider his response. Cf. Laschkewitsch v. Lincoln Life & Annuity Distrib., Inc., No. 5:13-CV-315-BO, 2014 WL 2587637, at \*1-2 (E.D.N.C. June 10, 2014) (unpublished).

with the Local Civil Rules. Local Civil Rule 56.1(a) requires that a statement of material facts and an appendix of all cited evidence accompany any motion for summary judgment. See Local Civ. R. 56.1(a)(1), (4). Laschkewitsch did not file a statement of material facts or an appendix of all cited evidence until three weeks after he filed his motion for summary judgment. See [D.E. 84].

Because Laschkewitsch's motion for summary judgment was untimely and failed to comply with the Local Civil Rules, the court GRANTS Banner's motion to strike [D.E. 70] and strikes Laschkewitsch's motion for summary judgment [D.E. 67]. Banner's motion to shorten response time and for expedited consideration of its motion to strike and for extension of time to respond to Laschkewitsch's motion for summary judgment [D.E. 72] is DENIED as moot. Laschkewitsch's motion to seal [D.E. 69] is GRANTED.

SO ORDERED. This 14 day of March 2017.



JAMES C. DEVER III  
Chief United States District Judge